

# SENATE BILL No. 149

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6-14; IC 12-7-2; IC 12-13; IC 12-18; IC 31-9-2; IC 31-25-2-7; IC 31-26; IC 33-37.

**Synopsis:** Domestic violence. Relocates the law concerning the domestic violence prevention and treatment council. Provides that the department of child services shall administer the domestic violence prevention and treatment fund and the family violence and victim assistance fund. (Under current law, the division of family resources administers the domestic violence prevention and treatment fund, and the treasurer of state and the division of family resources administer the family violence and victim assistance fund.)

**Effective:** July 1, 2007.

**Lawson C**

January 8, 2007, read first time and referred to Committee on Health and Provider Services.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 149

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-2-6-14, AS AMENDED BY P.L.173-2006,  
2       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 14. (a) The victim and witness assistance fund is  
4       established. The institute shall administer the fund. Except as provided  
5       in subsection (e), expenditures from the fund may be made only in  
6       accordance with appropriations made by the general assembly.

7       (b) The source of the victim and witness assistance fund is the  
8       family violence and victim assistance fund established by ~~IC 12-18-5-2.~~  
9       **IC 31-26-8-2.**

10       (c) The institute may use money from the victim and witness  
11       assistance fund when awarding a grant or entering into a contract under  
12       this chapter, if the money is used for the support of a program in the  
13       office of a prosecuting attorney or in a state or local law enforcement  
14       agency designed to:

15               (1) help evaluate the physical, emotional, and personal needs of  
16               a victim resulting from a crime, and counsel or refer the victim to  
17               those agencies or persons in the community that can provide the



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services needed;

(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) support the Indiana sex offender registry under IC 11-8-8;

(3) provide training for persons to assist victims; and

(4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 2. IC 12-7-2-44, AS AMENDED BY P.L.93-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44. "Council" means the following:

(1) For purposes of IC 12-9-4, the meaning set forth in IC 12-9-4-1.

(2) For purposes of IC 12-12-8, the meaning set forth in IC 12-12-8-2.5.

(3) For purposes of IC 12-13-4, the meaning set forth in IC 12-13-4-1.

(4) For purposes of IC 12-15-41 and IC 12-15-42, the Medicaid work incentives council established by IC 12-15-42-1.

(5) For purposes of IC 12-12.7-2, the meaning set forth in IC 12-12.7-2-2.

~~(6) For purposes of IC 12-18-3 and IC 12-18-4, the domestic violence prevention and treatment council established by IC 12-18-3-1.~~

~~(7)~~ (6) For purposes of IC 12-21-4, the meaning set forth in IC 12-21-4-1.

~~(8)~~ (7) For purposes of IC 12-28-5, the meaning set forth in IC 12-28-5-1.

SECTION 3. IC 12-7-2-91 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 91. "Fund" means the following:

(1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.

(2) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.

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(3) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.

(4) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.

(5) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-3.

~~(6) For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.~~

~~(7) For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.~~

~~(8)~~ (6) For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.

~~(9)~~ (7) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.

~~(10)~~ (8) For purposes of IC 12-23-18, the meaning set forth in IC 12-23-18-4.

~~(11)~~ (9) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.

~~(12)~~ (10) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.

~~(13)~~ (11) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 4. IC 12-13-5-2, AS AMENDED BY P.L.173-2006, SECTION 45, AND AS AMENDED BY P.L.181-2006, SECTION 53, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The division shall administer the following:

(1) Any sexual offense services.

(2) A child development associate scholarship program.

(3) Any school age dependent care program.

(4) Migrant day care services.

(5) Prevention services to high risk youth.

~~(6) Any commodities program.~~

~~(7) (6) The migrant nutrition program.~~

~~(8) Any emergency shelter programs.~~

~~(9) Any weatherization programs.~~

~~(10) The Housing Assistance Act of 1937 (42 U.S.C. 1437).~~

~~(11)~~ (7) The home visitation and social services program.

~~(12)~~ (8) The educational consultants program.

~~(13)~~ (9) Community restitution or service programs.

~~(14)~~ (10) The crisis nursery program.

~~(15) Energy assistance programs.~~

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~~(16) (11) Domestic violence programs.~~

~~(17) (12) (11) Social services programs.~~

~~(18) Assistance to migrants and seasonal farmworkers.~~

~~(19) (13) (12) The step ahead comprehensive early childhood grant program.~~

~~(20) (13) Assistance to victims of human and sexual trafficking offenses as provided in IC 35-42-3.5-4, as appropriate.~~

~~(21) (14) Any other program:~~

(A) designated by the general assembly; or

(B) administered by the federal government under grants consistent with the duties of the division.

SECTION 5. IC 12-13-7-1, AS AMENDED BY P.L.181-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The division shall administer the following:

~~(1) The domestic violence prevention and treatment fund under IC 12-18-4.~~

~~(2) (1) The Child Care and Development Block Grant under 42 U.S.C. 9858 et seq.~~

~~(3) (2) The federal Food Stamp Program under 7 U.S.C. 2011 et seq.~~

~~(4) (3) Title IV-A of the federal Social Security Act.~~

~~(5) (4) Any other funding source:~~

(A) designated by the general assembly; or

(B) available from the federal government under grants that are consistent with the duties of the division.

SECTION 6. IC 31-9-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. **(a) "Council", for purposes of IC 31-26-6 and IC 31-26-7, refers to the domestic violence prevention and treatment council established by IC 31-26-6-1.**

**(b) "Council", for purposes of IC 31-31-9, refers to the city-county council of the consolidated city within the county.**

SECTION 7. IC 31-9-2-42.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 42.5. "Domestic violence prevention and treatment center", for purposes of IC 31-26-7, means an organized entity that is:**

**(1) established by:**

**(A) a city, town, county, or township; or**

**(B) an entity exempted from the gross retail tax under IC 6-2.5-5-21(b)(1)(B); and**

**(2) created to provide services to prevent and treat domestic**

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**violence between spouses or former spouses.**

SECTION 8. IC 31-9-2-47.6, AS ADDED BY P.L.145-2006, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 47.6. **(a)** "Fund", for purposes of IC 31-26-4, has the meaning set forth in IC 31-26-4-3.

**(b) "Fund", for purposes of IC 31-26-7, has the meaning set forth in IC 31-26-7-1.**

**(c) "Fund", for purposes of IC 31-26-8, has the meaning set forth in IC 31-26-8-1.**

SECTION 9. IC 31-25-2-7, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The department is responsible for the following:

- (1) Providing child protection services under this article.
- (2) Providing and administering child abuse and neglect prevention services.
- (3) Providing and administering child services (as defined in IC 12-19-7-1).
- (4) Providing and administering family services.
- (5) Providing family preservation services under IC 31-26-5.
- (6) Regulating and licensing the following under IC 31-27:
  - (A) Child caring institutions.
  - (B) Foster family homes.
  - (C) Group homes.
  - (D) Child placing agencies.
- (7) Administering the state's plan for the administration of Title IV-D of the federal Social Security Act (42 U.S.C. 651 et seq.).
- (8) Administering foster care services.
- (9) Administering independent living services (as described in 42 U.S.C. 677 et seq.).
- (10) Administering adoption services.
- (11) Administering the domestic violence prevention and treatment fund under IC 31-26-7.**
- (12) Administering the family violence and victim assistance fund under IC 31-26-8.**

SECTION 10. IC 31-26-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 6. Domestic Violence Prevention and Treatment Council**

**Sec. 1. The domestic violence prevention and treatment council is established within the department.**

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1        **Sec. 2. The council consists of seven (7) members appointed by**  
 2        **the governor. Each member must have experience and knowledge**  
 3        **with regard to the problems of domestic violence.**

4        **Sec. 3. A member serves a term of three (3) years, with each**  
 5        **term beginning January 1 and ending December 31.**

6        **Sec. 4. A member may be removed by the governor for cause.**

7        **Sec. 5. A member appointed to fill a vacancy occurring other**  
 8        **than by expiration of a term shall be appointed for the remainder**  
 9        **of the unexpired term.**

10       **Sec. 6. Each member of the council is entitled to the following:**

11       (1) **The minimum salary per diem provided by**  
 12       **IC 4-10-11-2.1(b).**

13       (2) **Reimbursement for traveling expenses and other expenses**  
 14       **as provided in the state travel policies and procedures**  
 15       **established by the Indiana department of administration and**  
 16       **approved by the budget agency.**

17       **Sec. 7. The governor shall designate one (1) member to preside**  
 18       **over the council.**

19       **Sec. 8. The council shall do the following:**

20       (1) **Coordinate and monitor programs for the prevention and**  
 21       **treatment of domestic violence funded under IC 31-26-7.**

22       (2) **Conduct research necessary to develop and implement**  
 23       **programs for the prevention and treatment of domestic**  
 24       **violence.**

25       (3) **Review and recommend to the department the approval or**  
 26       **disapproval of applications to receive a grant or enter into a**  
 27       **contract that are submitted under IC 31-26-7-7.**

28       (4) **Develop a uniform method for law enforcement agencies**  
 29       **in Indiana to report incidents of domestic violence to the**  
 30       **council for each calendar quarter.**

31       (5) **Recommend to the department rules to be adopted by the**  
 32       **division under IC 4-22-2 to carry out this chapter.**

33       **SECTION 11. IC 31-26-7 IS ADDED TO THE INDIANA CODE**  
 34       **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**  
 35       **JULY 1, 2007]:**

36       **Chapter 7. Domestic Violence Prevention and Treatment Fund**

37       **Sec. 1. As used in this chapter, "fund" refers to the domestic**  
 38       **violence prevention and treatment fund established by section 2 of**  
 39       **this chapter.**

40       **Sec. 2. The domestic violence prevention and treatment fund is**  
 41       **established.**

42       **Sec. 3. The department shall administer the fund, giving**

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consideration to the recommendations of the council. Expenditures from the fund may be made only under appropriations made by the general assembly.

Sec. 4. The source of money for the fund is transfers under IC 31-26-8-6(1) from the family violence and victim assistance fund established by IC 31-26-8-2.

Sec. 5. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

Sec. 6. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 7. A city, town, county, or township or an entity that is exempted from the gross retail tax under IC 6-2.5-5-21(b)(1)(B) that desires to receive a grant under this chapter or enter into a contract with the council must apply in the manner prescribed by the rules of the department.

Sec. 8. The department may make grants to and enter into contracts with entities eligible under section 7 of this chapter. However, the department may not grant more than seventy-five percent (75%) of the money necessary for the establishment or maintenance of a domestic violence prevention and treatment center during a specified time. The amount granted by the department for use by a single domestic violence prevention and treatment center may not exceed one hundred thousand dollars (\$100,000) each year.

Sec. 9. The department may use money from the fund when awarding a grant or entering into a contract under this chapter if the money is used for the support of a program designed to do any of the following:

- (1) Establish or maintain a domestic violence prevention and treatment center offering the services listed in section 10 of this chapter.
- (2) Develop and establish a training program for professional, paraprofessional, and volunteer personnel who are engaged in areas related to the problems of domestic violence.
- (3) Conduct research necessary to develop and implement programs for the prevention and treatment of domestic violence.
- (4) Develop and implement other means for the prevention and treatment of domestic violence.

Sec. 10. An entity eligible to submit an application under section

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7 of this chapter may not receive money under this chapter for the purposes of establishing and maintaining a domestic violence prevention and treatment center unless the center furnishes, agrees to furnish, or arranges with a third party to furnish all of the following services:

(1) Emergency shelter, provided either at the center or by arrangement at temporary residential facilities available in the community, that is available to:

(A) a person who fears imminent serious bodily injury from the person's spouse or former spouse; and

(B) the dependent children of the person referred to in clause (A).

(2) A twenty-four (24) hour telephone system to provide crisis assistance to a spouse or former spouse threatened by domestic violence.

(3) Emergency transportation services, if necessary, to aid spouses or former spouses who are victims of domestic violence.

(4) Information, referral, and victim advocacy services in the areas of health care assistance, social and mental health services, family counseling, job training and employment opportunities, legal assistance, and counseling for dependent children.

Sec. 11. The department may use money from the fund to hire the staff necessary to carry out this chapter.

Sec. 12. The services of a domestic violence prevention and treatment center as described in section 10 of this chapter must be available to a person who:

(1) has been assaulted by the person's spouse or former spouse; or

(2) fears imminent serious bodily injury from the person's spouse or former spouse.

Sec. 13. The council shall annually evaluate each program funded under this chapter. An evaluation of a domestic violence prevention and treatment center must include the following:

(1) An analysis of the kinds of services provided by the center.

(2) The number of persons served by the center.

(3) The effectiveness of the services provided by the center.

(4) An analysis of the cost effectiveness of the center's program.

Sec. 14. The department may enter into an agreement with a person for the receipt of money consistent with this chapter.

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SECTION 12. IC 31-26-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 8. Family Violence and Victim Assistance Fund**

**Sec. 1.** As used in this chapter, "fund" refers to the family violence and victim assistance fund established by section 2 of this chapter.

**Sec. 2.** The family violence and victim assistance fund is established.

**Sec. 3.** The purpose of the fund is to provide funding for domestic violence prevention and treatment, child abuse prevention, and victim and witness assistance programs.

**Sec. 4.** The department shall administer the fund.

**Sec. 5.** The sources of the fund include the following:

(1) Amounts deposited under IC 33-37-7-9.

(2) Amounts distributed from the state user fee fund under IC 33-37-9-4(a)(7).

**Sec. 6.** On June 30 and December 31 of each year, the treasurer of state shall transfer money from the fund as follows:

(1) Fifty-five percent (55%) of the balance on deposit in the fund or two hundred forty-five thousand dollars (\$245,000), whichever is greater, shall be deposited in the domestic violence prevention and treatment fund established by IC 31-26-7-2.

(2) The balance in the fund after the transfer of money under subdivision (1) shall be deposited as follows:

(A) One-third (1/3) shall be deposited in the Indiana kids first trust fund established by IC 31-26-4-12.

(B) Two-thirds (2/3) shall be deposited in the victim and witness assistance fund established by IC 5-2-6-14.

SECTION 13. IC 33-37-7-9, AS AMENDED BY P.L.174-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state eight million two hundred seventy-seven thousand twenty-three dollars (\$8,277,023) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year, the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established by ~~IC 12-18-5-2~~ **IC 31-26-8-2** an amount equal to eight and ninety-nine hundredths percent (8.99%);

(2) the Indiana judges' retirement fund established by

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IC 33-38-6-12 an amount equal to thirty-one and eighteen hundredths percent (31.18%);

(3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to two and eighty-six hundredths percent (2.86%);

(4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to eleven and fifty-one hundredths percent (11.51%);

(5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to thirteen and thirty-seven hundredths percent (13.37%);

(6) the motor vehicle highway account an amount equal to twenty-one and eighty-four hundredths percent (21.84%);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to twenty-seven hundredths percent (.27%);

(8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to one and eighty-two hundredths percent (1.82%); and

(9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to eight and sixteen hundredths percent (8.16%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1:

(1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars (\$1,700,000); and

(2) after June 30, 2005, two million seven hundred thousand dollars (\$2,700,000).

SECTION 14. IC 33-37-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The treasurer of state shall distribute semiannually one million two hundred eighty-eight thousand dollars (\$1,288,000) of the amounts transferred to the state fund under section 3 of this chapter as follows:

(1) Fourteen and ninety-eight hundredths percent (14.98%) shall be deposited into the alcohol and drug countermeasures fund established by IC 9-27-2-11.

(2) Eight and forty-two hundredths percent (8.42%) shall be

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deposited into the drug interdiction fund established by  
IC 10-11-7-1.

(3) Four and sixty-eight hundredths percent (4.68%) shall be  
deposited into the drug prosecution fund established by  
IC 33-39-8-6.

(4) Five and sixty-two hundredths percent (5.62%) shall be  
deposited into the corrections drug abuse fund established by  
IC 11-8-2-11.

(5) Twenty-two and forty-seven hundredths percent (22.47%)  
shall be deposited into the state drug free communities fund  
established by IC 5-2-10-2.

(6) Seven and ninety-eight hundredths percent (7.98%) shall be  
distributed to the Indiana department of transportation for use  
under IC 8-23-2-15.

(7) Twenty and thirty-two hundredths percent (20.32%) shall be  
deposited in the family violence and victim assistance fund  
established by ~~IC 12-18-5-2~~ **IC 31-26-8-2**.

(8) Fifteen and fifty-three hundredths percent (15.53%) shall be  
deposited in the Indiana safe schools fund established by  
IC 5-2-10.1.

(b) The treasurer of state shall distribute semiannually the amount  
remaining after the distributions are made under subsection (a) to the  
judicial technology and automation project fund established by  
IC 33-24-6-12.

SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE  
JULY 1, 2007]: IC 12-7-2-70; IC 12-18-3; IC 12-18-4; IC 12-18-5.

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